## ORDER

Bangalore, dated the 18th July 1965.

S. O. 2797.—WHEREAS by State Government Order No. PLM 168 LLD 64, dated 6th October 1964, the Industrial Dispute between the workmen and the Management of Bagalkot Cement Co., Ltd., Bagalkot was referred to the Industrial Tribunal Bangalore, for adjudication.

AND WHEREAS before the said Industrial Tribunal a complaint was made under Section 33A of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shri Ralgappa Balappa, Driver, alleging that he was dismissed from Service.

AND WHEREAS the said Industrial Tribunal adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33 A of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act, No. 14 of 1947) the Government of Mysore, hereby directs the publication of the said award in the *Mysore Gazette*.

[No. PLM 168 LLD 64 (i).]

By Order and in the name of the Governor of Mysore,

600 G. G. PUROHIT, *Under Secy.*

# BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

*Dated 30th June 1965.*

**Present :**

Sri R. KRISHNA SETTY B.A., LL. B., *Presiding Officer.*

**Serial No. 18 of 1965 in**
**I. D. No. 38 of 1964.**

*Applicant.*
The Bagalkot Cement Co., Ltd., Bagalkot.

*Opposite Party:*
Sri Rangappa Balappa, T. No. 46, Driver, near Sirur Agashi, Bagalkot.

**Complaint No. 7 of 1965**
**in I. D. No. 38 of 1964.**

*Complainant.*
Sri Rangappa Balappa, T. No. 46, Driver, C/o General Secretary, Bagalkot Cement Co. Workers' Union, Venkatpet, Bagalkot,

*Opposite Party.*
The Management of Bagalkot Cement Co., Ltd,, Bagalkot.

**Representations.**

Sri D M. Khalasi and Sri M. C. Narasimhan for the workmen.
Sri B. Narayanaswamy, Advocate, for the Management.

**Reference**

(G. O. No. PLM 168 LLD 64, DATED 6TH OCTOBER 1964)

**AWARD**

This is a complaint under Section 33-A of the Industrial Disputes Act, 1947, (Central Act XIV of 1947) by Rangappa Balappa, Driver in Bagalkot Cement Company, Bagalkot, for an alleged contravention of the provisions of Section 33 of that Act by his employer. It is said that the complainant was a permanent worker, that he had put in about 11 years of continuous service drawing a monthly salary of Rs. 135, that his employer, the Opposite Party, dismissed him from service from 27th March 1965,

that the said order of dismissal was illegal and was actuated by improper motive, that the period cf suspension from 6th March 1964 to 27th March 1965 was not in accordance with the Standing Orders, that the order of dismissal is opposed to the principles of natural justice and that he should be reinstated in the former post. It is also alleged that the Opposite Party has not complied with the provisions of Section 33 (2) (b) of the Industrial Disputes Act, 1947 and is as much as the proceedings of the I. D. No. 38 of 1964 are pending before this Tribunal between the Parties.

2. The Opposite Party had not filed any objection Statement to this complaint though several opportunities have been granted.

3. In the meanwhile, the Opposite Party had filed a Serial Application No. 18 of 1965 in I. D. No. 38 of 1964 under Section 33 (2) (b) of the Industrial Disputes Act, 1947, alleging that the said Rangappa Balappa had disobeyed the lawful orders issued to him by his superiors in refusing to drive the Station Waggon for bringing the Mill House Foreman Shri Paul Mathew, as there was break-down in the Mill and an emergency had to be attended to, that he was also found drunk while on duty, that he was found guilty of the serious and grave misconducts and therefore the management dismissed him from service, paid him his one month's wages and made an application to this Tribunal for approval to the action taken by it.

4. In his objection statement, the workman had pleaded not guilty of the charges and asserted that the domestic enquiry was vitiated on more grounds than one. On 27th June 1965 when that serial application was first taken up for consideration both parties filed a Joint Memo to the effect that the workman Rangappa Balappa had expressed in writing his regret for his misconduct and undertook not to indulge in that way and the management has agreed to take him back on work in continuity of his service in his original post within 7 days from the date of this settlement if he reported for work within that time failing which he would not be engaged thereafter. They also stated that these consent terms would dispose of not only the Serial Application No. 18 of 1965 but also the relevant complaint. Accordingly the parties were directed to act according to the terms of the settlement in Serial Application No. 18 of 1965 and the application was ordered to be filed.

5. Thereafter when the present complaint was taken up for consideration, the complainant submitted that in view of the settlement of the dispute reported in Serial No. 18 of 1965, he could not press this complaint.

6. In the circumstances, I have no other alternative than to reject the complaint and I reject it accordingly.

R. KRISHNA SETTY,
*Presiding Officer,*
*Industrial Tribunal,*
*Bangalore.*